4-Mitchey E-8 (1900-?)1947 AES Miao AES

661 they did. But before anything could be done
648 he had been taken to Kwangsi. Later his
123 captors took him to Hunan. He was well treated and not forced to become a soldier, but served the commanding officer as a secretary. He was later released. I like to think that a letter I wrote to a friend high in the provincial government had something to do with his release before the soldiers were due to return to Kweichow. It was not until after the rice harvest that his family sent him traveling expenses so that he might come home. He arrived in Lung-li on the third of December.

648 On the eighteenth of November I was asked
123 to go to the *hsien* magistrate for them again.
685 This time a relative by the name of T'ang was being detained on complaint of some Chinese. This man owned a wooded slope. The
661 Chinese, wishing to take advantage of the great demand for charcoal as fuel for motor vehicles, either had or wanted to set up a charcoal depot in Lung-li. They asked this man to make his wood into charcoal for them. No agreement was made, but they had him arrested to be held until he could produce fifty thousand *chin*,[2] more than sixty-six thousand pounds. What they wanted me to do was to urge the *hsien* magistrate to investigate the matter quickly so that the man could be released. This I did. But when the *hsien* magistrate said he could be released if two would go surety for him, and they asked me to be one of his guarantors, I refused, for I had never seen the man and could not find out what it meant to be a guarantor under such circumstances in China.

After I had gone into the *hsien* city to live they continued to ask me to help them. Upon one occasion I was asked to urge the *hsien* magistrate to hasten his investigation of a case in which a Miao had accused some Chinese of stealing logs from his house while only his wife and children were at home. The Chinese said that he had sold them the logs before felling the trees on a hillside he owned and that they were only taking what already belonged to them. I was asked to urge the magistrate to investigate the matter before the Chinese should have time to convert the

[2] One and one-third pounds.

4:Mickey E-5 (1940-?) 1947 AE5 Miao AE5

timber into agricultural implements, and did so. I have never found out what the truth of the matter was, but the Miao lost his case because the *hsien* judge found that his witnesses had not told the truth at other points.

Another case was that of a Miao who had become so angry at his wife that he had her jailed. Her relatives wanted to have her released so that her child need not be born in prison. The husband had disappeared and could not be found to ask him to change his mind. I wrote to the magistrate in the next *hsien*, and after his condition that some merchant in the city go surety for her was met, she was released.

A family in Shang-sai wished to build a house. The head of the family borrowed money from his brother. This brother later brought suit for the return of some of the loan. This was paid at the *hsien* offices on the day set, but the brother did not appear to receive it. Later the family who had received the loan sued the brother for the expense to which they had been put because of his failure to come and receive the payment on the day set.

These, of course, were only a few of the disputes which arose in the village or among the whole group of Cowrie Shell Miao. Most small matters were settled among themselves. Much of the old man's time was taken up with such cases. Sometimes others of the village elders were called in for consultation. This was according to the Chinese Government system, though in effect this formed the village government, or council. If matters could not be settled by them, they were taken before the *lien pao* official, and, if necessary, to the *hsien* magistrate.

Economic Institutions. Within Cowrie Shell Miao society there were no specific economic institutions. Families formed economic units, and as such carried on trade with Chinese merchants and rice brokers in the *hsien* city. Just inside the walls were a few tea-shops owned by city-dwelling Cowrie Shell Miao, conveniently situated for visiting country kinfolk to gather before they returned to their villages from market. The shop keepers were gardeners and farmers as well, and much of their trade was really a form of family visits. In their shops, as well

[184 cont.]

796 invoke a prosperous harvest. In the afternoon every family contributes a few dimes for the purchase of vegetables and sends a representative to the party, at which rules and regulations are [685] discussed regarding indemnities for damages to crops. He who [212] can write is asked to list the rules on a piece of white paper to be affixed at the village gate. Then on the top of a high mound near the village they set up a straw mark and let loose a din of firecrackers to announce to villages far and near that this village has already passed its laws so that none may go there to violate them.

On this day[A] the number of people making sacrifices before 769 the Earth God temple among the Chung-chia is also large, but 796 in addition each family has to prepare separate glutinous rice dumplings and a chicken for sacrifice to the ancestors. In the afternoon the children would bring dumplings and chicken legs to some nearby river banks to enjoy themselves. Toward evening they would wash their hands and feet in the river before coming home, and this is called "the first wash."

The Seventh Month. The first dragon day of this month is the "new crop festival." On this day all the children of the Hua Miao and Ch'ing Miao [185] wear new clothes. In the morning they would go to the field, each plucking three bunches of grain stalks, which they cook in rice. They also cook a few ears of corn with some blue fish for sacrifice to the ancestors. After the ritual the whole family would sit down to a meal of new rice and 796 corn. The custom of the Chung-chia is similar, except that [231] after the sacrifice the new rice and corn are first fed to the dog [773] of the house before they are eaten by men. According to their tradition, it is said that at the time of creation there was no rice in the world, and that a dog brought the seed from heaven for men to plant. It was only then that people had rice for food. So on the "new crop day" each year rice is first fed to the dog to show that his benefaction has not been forgotten. Among the Chung-chia there is another superstition: from the "new crop day" to the time of the autumn harvest no one in the house, old or young, may sit on the doorsill so as to avoid misfortune.

[A] [i.e., the sixth day of the sixth month.--Analyst]

/249 cont./

847 Deliberate abortion is unknown.

681 The most common punishment is whipping, which the
[622] village chief may also order. It is meted out in connection
[683] with lies, slandering, insults, and similar offenses and is ad-
[689] ministered with a cowhide whip which is greased and made pliable over a fire before being used. Moreover, whipping is often inflicted in addition to the frequent fines in money or property; it is also used when fines in money are not brought in. In such a case, one stroke is given for each piece of silver.

681 In cases of theft up to the value of ten pieces of silver,
685 the thief must simply return the stolen goods and, for the first such offense which is proved against him, is merely warned. Recidivous thieves, on the other hand, must expect corporal punishment, which is meted out in addition to fines in money or goods. Thus, recidivous thieves of produce, domestic animals, and similar goods may be sentenced to mutilation and to the amputation of the third, fourth, or fifth finger of one hand as well as half of the left ear. These punishments can also be meted out if a person is unable to pay the fine in money to which he was sentenced.

685 If the stolen goods represent a value of from 10 to 100
693 pieces of silver, fifty per cent more has to be paid as a fine, and in addition 20 to 30 pieces of silver has to be paid to the judge for his services. If the value exceeds 100 pieces of silver, the entire estimated cost of the loot, that is, 100 per cent, must be paid as a fine, and, in addition, far greater charges for the judge.

681 Imprisonment is unknown, as is emasculation or outright
567 selling into slavery. This seems to be in contradiction to the legal practice of handing over the children of debtors to the creditor for his disposal in lieu of payment. /250/ If one recalls, however, that among the Meau adoption is very common and that even traders deal in the trade of human beings only from this point of view of the Meau, be it for adoption or marriage, the apparent contradiction disappears.

/250 cont./

683 754 Since the Meau do not believe that black magic is practiced among their tribesmen, there is no punishment for it. Outlawing is likewise unknown.

692 622 634 [689] Offenses against custom are judged by the village chief or the great chief. Crimes, which very rarely occur among the Meau, are judged by the great chief. In such cases the village elders and the village chief appear as examining magistrates.

674 114 Dhuraratsadorn (1), too, points out that homicide and

1. Page 171.

crimes of violence are for the most part unknown within the family community, which he designates erroneously as "clan." He assumes that robbery might occur if it becomes known that a member of the community has received a large sum of money through the sale of opium or the like. The author then continues by saying that this offense had never occurred in the district of San Mahapon with which he is familiar, but characteristically he explains this not on the basis of the morality of the [454] Meau, but by their custom of not carrying any money with them, much less keeping it in their houses, but of carefully hiding it somewhere. I was unable to confirm the custom of "money-hiding" among the Meau, but I did find it among the Lahu; hence I assume that there is some confusion on the part of the author.

682 The punishment for murder in connection with robbery or homicide is execution. It is reported of some Meau tribes in China (2) that buffalo were paid as a fine for homicide. Only [634]

2. Eberhard, II, p. 252.

685 439 the great chief, however, can give the sentence. The same punishment befalls anyone who commits simple robbery or theft from traveling merchants. The harsh appraisal of this offense goes back to the fact that the traveling merchants, all of them Chinese, bring wares that are important to the Meau, but those areas in which there is danger of robbery and theft would be avoided.

AKha A04
Miao AE5

/252 cont./

A M 648 692 In general, however, this gives a rather theoretical picture of legal conditions. Only in very serious cases, and even then only as an exception, are legal cases brought to the law courts of the colonial powers by the mountain people. This usually happens only if a member of a mountain tribe has been in the service of members of other tribes for a long time or lives in a settlement of another tribe, which is rare. In such isolated instances, however, it may happen that such a tribesman will appear as defendant or plaintiff before the court of the colonial administration concerned.

The Akha in Kengtung as well as the Meau in Tonkin who are to a large extent controlled by the government of the colonial powers, settle almost all their cases in their own domain and in accordance with their customary law, so that not more than one per cent of their cases come before the official jurisdiction.

A 628 648 692 [631] /253/ It is different among the Akha when there are disputes to be settled between their various villages. Since the Akha today have no political organization beyond the village unit, they frequently turn to the chief of the nearest valley tribe and ask him to decide the issue (see the chapter, "Political Organization," the section, "Popular Assembly"). The latter, usually a Schan /Shan/ or Lao, then acts as a sort of arbitrator.

e) Legal Procedure in Characteristic Cases

M 692 In accordance with the very precisely organized political structure, the individual Meau is obliged to observe the established legal procedure in all cases. Self-help is therefore forbidden. Accordingly, blood vengeance is unknown, as are secret courts.

M 692 622 [685] [693] Among the Meau, thefts, insofar as trifles are involved, are at first simply put up with; in repeated cases, however, one turns to the village chief, who acts as judge in petty cases. He is the court of the first instance in all lawsuits. If the village is so large, however, that the village chief is too greatly occupied with other matters, then an older man of the village takes over

39: Bernatzik--45g E-5 (1936-1937) 1947 A01 Thailand
AKha A04
Mild AE5

/Caption for Figs. 239-253 cont./

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301 Fig. 251. Small ornamental pendant of bone, 1/5 nat. size.
531 Figs. 252-253. Rounded, hollow arm-hoop of silver, about
[321] 1/2 nat. size.

Chapter 16

Mutilations of the Body

A
M
304 Neither the Meau nor the Akha are familiar with deformations of the skull or the teeth, or any kind of circumcision at all. Just as little is any amputation of body parts undertaken.
[685] The only exception to this is the amputation of the third,
[681] fourth, and fifth fingers of one hand as punishment for recidivous thieves, as well as half of the left ear, to which the Meau condemn certain wrongdoers (see the chapter, "Law and the Administration of Justice," the section, "Criminal Law"). This, therefore, has nothing to do with a general or sacral custom of the people.

On the other hand, it is customary among the Meau, as the single custom of this kind, to pierce the ear lobes of the girls, but not of the boys, at the age of nine to eleven. One of the parents tends to this early in the morning with the help of an iron needle. A thread is then strung through the hole so that it will not grow shut again. As soon as the small wound has healed, one first sticks a small piece of wood, later silver rings, into it and widens it to a diameter of one-half to one whole centimeter (Ill. 57).1/1 The natives give as the sole reason for this custom that by means of it the hole is to be produced for the wearing of earrings.

Among the Akha, too, a similar custom prevails.

1/1 [See cat 116, p368- ANALYST]